

ORIGINAL



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Bar ID #005152  
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Attorney for Montezuma  
Rimrock Water Company, LLC

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2012 JAN -6 P 4: 29

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
DOCKETED

JAN 6 2012



**BEFORE THE ARIZONA CORPORATION COMMISSION**

IN THE MATTER OF THE APPLICATION OF )  
MONTEZUMA RIMROCK WATER )  
COMPANY, LLC FOR APPROVAL OF A )  
RATE INCREASE. )

DOCKET NO. W-04254A-08-0361

DOCKET NO. W-04254A-08-0362

MOTION TO WITHDRAW

IN THE MATTER OF THE APPLICATION OF )  
MONTEZUMA RIMROCK WATER )  
COMPANY, LLC FOR APPROVAL OF A )  
FINANCING APPLICATION )

Undersigned counsel for Montezuma Rimrock Water Company LLC seeks leave of court to withdraw in accordance with *Rule 5.1[a], Arizona Rules of Civil Procedure*. This motion is necessary because of the excessive and burdensome barrage of motions and discovery requests submitted by Intervener John Dougherty. Such requests and motions have resulted in significant time demands on undersigned counsel and into bills for legal services which are onerous to the water company.

Mr. Dougherty has known, from the inception of these proceedings, that the financial condition of the water company is tenuous. He has engaged in abusive and unprofessional gamesmanship, apparently in an attempt to run up attorney's fees for the water company which he knows it can ill afford.

This motion is supported by the written consent of the water company and is submitted

1 with a proposed form of order. This motion is further supported by the certification of counsel  
2 required by *ARCP 5.1[a][2][B]*. The name, address and telephone number of counsel's client  
3 are:

4 Montezuma Rimrock Water Company  
5 PO Box 10  
6 Rimrock, AZ 86335  
7 4615 E. Goldmine Road  
8 928-300-3291

9 WHEREFORE, undersigned counsel requests that he be given leave to withdraw.

10 DATED this 4th day of January, 2011.

11 LAW OFFICE OF DOUGLAS C. FITZPATRICK

12 By   
13 \_\_\_\_\_

Douglas C. Fitzpatrick

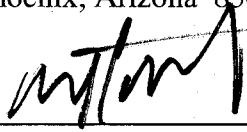
14 Attorney for Montezuma Rimrock Water Company LLC  
15  
16

17 ORIGINAL and 13 copies  
18 of the foregoing mailed this  
19 4th day of January, 2012,  
20 to:

21 Arizona Corporation Commission  
22 Docket Control  
23 1200 West Washington Street  
24 Phoenix, Arizona 85007

25 COPY of the foregoing  
26 mailed this day of 4th  
27 January, 2011, to:

28 Darak R. Eaddy  
Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

1 John Dougherty  
2 PO Box 501  
3 Rimrock, Arizona 86335  
4 Patricia D. Olsen  
5 Montezuma Rimrock Water  
6 Company, LLC  
7 PO Box 10  
8 4615 E. Goldmine Road  
9 Rimrock, Arizona 86335  
10 Mrs. Janice M. Alward  
11 Chief, Legal Division  
12 Arizona Corporation Commission  
13 Legal Division  
14 1200 West Washington Street  
15 Phoenix, Arizona 85007  
16 Mr. Steven M. Olea  
17 Director, Utilities Division  
18 Arizona Corporation Commission  
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20 1200 West Washington Street  
21 Phoenix, Arizona 85007  
22 Ms. Lyn Farmer  
23 Chief, Hearing Division  
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Douglas C. Fitzpatrick

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5 Bar ID #005152  
6 [fitzlaw@sedona.net](mailto:fitzlaw@sedona.net)  
7 Attorney for Montezuma  
8 Rimrock Water Company, LLC

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14 IN THE MATTER OF THE APPLICATION OF )  
15 MONTEZUMA RIMROCK WATER )  
16 COMPANY, LLC FOR APPROVAL OF A )  
17 FINANCING APPLICATION )

CERTIFICATE OF COUNSEL  
IN SUPPORT OF MOTION  
TO WITHDRAW

18 Undersigned counsel for Montezuma Rimrock Water Company LLC certifies as follows  
19 pursuant to *Rule 5.1[a][2][B], Arizona Rules of Civil Procedure*: The water company has been  
20 notified in writing of the status of the case including the dates and times of any court hearings or  
21 trial settings, pending compliance with existing court orders and the possibility of sanctions.

22 DATED this 4th day of January, 2012.

23 LAW OFFICE OF ~~DOUGLAS C. FITZPATRICK~~

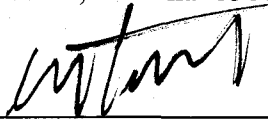
24 BY

  
\_\_\_\_\_  
Douglas C. Fitzpatrick

25 Attorney for applicant, Montezuma Rimrock  
26 Water Company, LLC.  
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MONTEZUMA RIMROCK WATER )  
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RATE INCREASE. )

DOCKET NO. W-04254A-08-0361

DOCKET NO. W-04254A-08-0362

CONSENT TO WITHDRAW

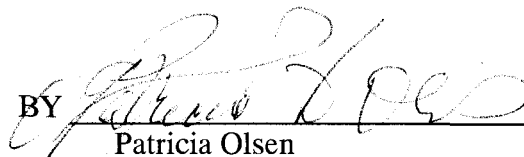
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I, Patricia Olsen, as the authorized agent and managing member of the Montezuma  
Rimrock Water Company LLC, do consent to the withdrawal of Douglas C. Fitzpatrick as my  
attorney in this action.

DATED this <sup>th</sup>4 day of JANUARY, 2012.

MONTEZUMA RIMROCK WATER COMPANY, LLC

BY



Patricia Olsen  
Managing Member

1 Douglas C. Fitzpatrick  
2 49 Bell Rock Plaza  
3 Sedona, Arizona 86351  
4 (928) 284-2190  
5 Bar ID #005152  
6 [fitzlaw@sedona.net](mailto:fitzlaw@sedona.net)  
7 Attorney for applicant, Montezuma Rimrock  
8 Water Company, LLC.

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10 IN THE MATTER OF THE APPLICATION OF ) DOCKET NO. W-04254A-08-0361  
11 MONTEZUMA RIMROCK WATER )  
12 COMPANY, LLC FOR APPROVAL OF A ) DOCKET NO. W-04254A-08-0362  
13 RATE INCREASE. )  
14 )

ORDER

15 IN THE MATTER OF THE APPLICATION OF )  
16 MONTEZUMA RIMROCK WATER )  
17 COMPANY, LLC FOR APPROVAL OF A )  
18 FINANCING APPLICATION )  
19 )

20 PURSUANT TO counsel's Motion to Withdraw and good cause appearing,

21 IT IS ORDERED granting said motion and allowing Douglas C. Fitzpatrick to withdraw  
22 as counsel for Montezuma Rimrock Water Company, LLC.

23 IT IS FURTHER ORDERED, pursuant to *ARCP 5.1[a][2][A]*, that counsel shall give  
24 prompt notice of the entry of this order along with the name and address of his client to all other  
25 parties or their attorneys.

26 DONE IN OPEN COURT this \_\_\_\_ day of January, 2012.

27  
28  
\_\_\_\_\_  
Judge Sarah Harpring